

THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

In re: : BANKRUPTCY CASE  
:   
CHARLES MICHAEL BLIZZARD, : NO. 22-51030-JPS  
:   
Debtor. : CHAPTER 7

**NOTICE OF MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS**

Walter W. Kelley, Trustee ("Trustee") filed a motion in the above case to sell property subject to liens and other claims under 11 U.S.C. § 363(b). The property is a vacant lot of approximately 1.52 acres located at 108 Cotswold Drive, Forsyth, Monroe County, Georgia identified as Parcel No. 081C034. The property will be sold by auction sale or private sale through Wiregrass Auction Group, Inc. ("WAG"). At closing, the Trustee will pay closing costs, real estate taxes, 10% sales commission and reimbursement of expenses to WAG, valid liens and other claims.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these documents carefully and discuss them with your attorney, if you have one in this case. **If you do not have an attorney, you may wish to consult one.** If not served with this notice in accordance with the Bankruptcy Code or Rules, a copy of the motion may be obtained upon written request to counsel for the Trustee (identified below) or at the Clerk's office.

If you do not want the court to grant this motion, or if you want the court to consider your views on the motion, then you or your attorney shall file with the court a written objection or response on or before 02/29/24 pursuant to FRBP 9006(f). If you are receiving this notice by mail, you may add 3 days to the response date stated above. The objection or response should be sent to:

Clerk, U.S. Bankruptcy Court, Middle District of Georgia  
P.O. Box 1957  
Macon, Georgia 31202.

Clerk's phone number 478-752-3506

**If an objection or response is filed in the Court a hearing on the motion will be held: March 28, 2024 at 9:30 am, at the U.S. Bankruptcy Court, Courtroom A, 433 Cherry Street, Macon, GA 31201**

Parties should consult the Court's website ([www.gamb.uscourts.gov](http://www.gamb.uscourts.gov)) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

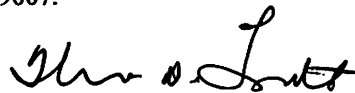
If you mail your response or objection to the court for filing, you shall send it early enough so the court will receive the objection or response on or before the response date stated above.

Any response or objection shall also be served on the movant.

**If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.**

This notice is sent by the undersigned pursuant to LBR 9007.

This 8<sup>th</sup> day of February, 2024.



THOMAS D. LOVETT, attorney for Trustee  
Post Office Box 1164  
Valdosta, GA 31603  
(229) 242-8838  
[tlovett@kelleylovett.com](mailto:tlovett@kelleylovett.com)

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**MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS**

COMES NOW Walter W. Kelley, Chapter 7 Trustee ("*Trustee*") and shows as follows:

-1-

This motion is filed under 11 U.S.C. § 363(b) and Bankruptcy Rule 6004 and is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (O).

-2-

Charles Michael Blizzard ("*Debtor*") filed a voluntary chapter 7 petition in this Court on September 7, 2022. The Trustee is the duly appointed and acting Trustee in this chapter 7 case.

-3-

The Trustee seeks authority to sell the bankruptcy estate's interest in the following property of the bankruptcy estate subject to liens and other claims: A vacant lot of approximately 1.52 acres known as Parcel No. 081C034 located at 108 Cotswold Drive, Forsyth, Monroe County Georgia which is described in a *Warranty Deed* recorded in the Monroe County Clerk's Office on May 15, 2020 in Deed Book 1993, Page 1-2.

-4-

The Trustee filed an application to employ Wiregrass Auction Group, Inc. ("*WAG*") in this case as his real estate sales agent [docket 23]. This Court entered an order authorizing the Trustee to employ WAG [docket 24].

-5-

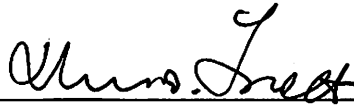
The Trustee intends to utilize WAG to sell the property by an auction or private sale to the highest and best offer. If sold, WAG will be paid a sales commission equal to 10% of the gross sale price plus receive reimbursement of out-of-pocket expenses incurred for costs such as advertising and marketing.

-6-

The Trustee intends to sell and convey the property by a Trustee's quit claim deed "as is" with all faults, without any warranties and subject to all valid liens and other claims. At closing, the Trustee will pay all valid liens and other claims, if any which are secured by the property.

**WHEREFORE, THE TRUSTEE PRAYS FOR AN ORDER:**

- a) Authorizing the Trustee to sell the property in accordance with 11 U.S.C. § 363(b) subject to liens and other claims by private sale or an auction sale conducted by WAG;
- b) Authorizing the Trustee to pay the following at closing: Closing costs, real estate taxes, sales commission and reimbursement of expenses to WAG, all valid liens and other claims;
- c) Authorizing the Trustee to convey the property by a Trustee's quit claim deed, "as-is," with all faults, restrictions and matters of record and without any warranty, including but not limited to warranties or implied warranties related to condition, environmental matters, hazards, known/unknown/hidden or other defects, surveys, boundary or property lines, easements, condition, use, fitness, purpose or habitability; and
- d) For such other and further relief as the Court deems just and proper.



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THOMAS D. LOVETT  
Attorney for Trustee  
Kelley, Lovett & Sanders, P.C.  
Post Office Box 1164  
Valdosta, GA 31603  
(229) 242-8838  
Georgia Bar 459571  
tlovett@kelleylovett.com

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**CERTIFICATE OF SERVICE**

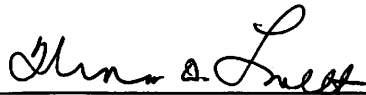
I hereby certify that I have furnished a true copy of the **MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS and NOTICE** to those listed below by either court's electronic mail system, regular electronic mail or by depositing the same in the United States Mail, in a properly addressed envelope with sufficient postage thereto affixed to insure delivery, this 8th day of February, 2024.

Charles Blizzard  
98 Cotswold Drive  
Forsyth, GA 31029

Robert Matson  
Attorney for Debtor  
[rmatson@akin-webster.com](mailto:rmatson@akin-webster.com)

ELIZABETH A. HARDY  
ASSISTANT U. S. TRUSTEE  
[Ustp.region21.mc.ecf@usdoj.gov](mailto:Ustp.region21.mc.ecf@usdoj.gov)

THOSE LISTED ON EXHIBIT "A"  
(served with the Notice only)



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THOMAS D. LOVETT  
Attorney for Trustee  
Kelley, Lovett & Sanders, P.C.  
Post Office Box 1164  
Valdosta, GA 31603  
(229) 242-8838

**Exhibit "A"**

5  
433 Cherry Street  
P.O. Box 1957  
Macon, GA 31202-1957

Capital One Bank  
Bankruptcy Claims Servicer  
PO Box 30285  
Salt Lake City, UT 84130-0285

CB Indigo  
PO Box 4499  
Beaverton, OR 97076-4499

Charles Michael Blizzard  
98 Cotswold Dr  
Forsyth, GA 31029-8180

DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

FedLoan Servicing  
PO Box 69184  
Harrisburg, PA 17106-9184

First Premier Bank  
PO Box 5524  
Sioux Falls, SD 57117-5524

FIRST SAVINGS BANK  
ATTN BANKRUPTCY  
1500 S HIGHLINE AVE  
SIOUX FALLS SD 57110-1003

Fortiva Credit Card  
PO Box 105555  
Atlanta, GA 30348-5555

Internal Revenue Service  
Attn: Bankruptcy  
PO Box 7346  
Philadelphia, PA 19101-7346

Lendmark Financial Service  
4025 Watson Blvd Ste 270  
Warner Robins, GA 31093-9504

Mercury Card/FB&T  
PO Box 84064  
Columbus, GA 31908-4064

Midland Credit Management  
350 Camino de la Reina Ste 100  
San Diego, CA 92108-3007

Onemain Financial  
225 Tom Hill Sr Blvd Ste B  
Macon, GA 31210-1893

REPUBLIC FINANCE LLC  
282 TOWER RD  
PONCHATOULA LA 70454-8318

Robert M. Matson  
Akin, Webster and Matson, PC  
P.O. Box 1773  
Macon, GA 31202-1773

The Bank of Missouri/Millstone  
PO Box 4499  
Beaverton, OR 97076-4499

U.S. Trustee - MAC  
440 Martin Luther King Jr. Boulevard  
Suite 302  
Macon, GA 31201-7987

Walter W Kelley  
Chapter 7 Trustee  
P.O. Box 70879  
Albany, GA 31708-0879

Zwicker & Associates  
3505 Koger Blvd Ste 125  
Duluth, GA 30096-7672